

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

JUL 12 2006

Case No. 5556  
Date Filed 7/6/06  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$1350.00

Shaded Areas for Office Use Only

**Type of Application**

- \_\_\_\_ Administrative Decision/Interpretation  
\_\_\_\_ Special Exception  
\_\_\_\_ Use Variance  
\_\_\_\_ Change/Extension of Non-Conforming Use  
\_\_\_\_ Minor Area Variance  
\_\_\_\_ Area Variance  
\_\_\_\_ Variance from Requirements of the Code  
\_\_\_\_ Zoning Map/Drafting Correction

**Nature of Request and Section(s) of Code** \_\_\_\_\_

CASE 5556 MAP 40 TYPE ICSC

ELECTION DISTRICT 03 LOCATION Osborne Parkway

BY Osborne Parkway LLC, 223 North Main Street, Bel Air 21014

Appealed because a Integrated Community Shopping Center (ICSC) pursuant to

Section 267-47 of the Harford County Code in the B2 District requires approval by  
the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant/Owner (please print or type)**

Name Osborne Parkway LLC Phone Number Call Attorney

Address 223 N. Main Street Bel Air MD 21014  
*Street Number Street City State Zip Code*

Co-Applicant N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Attorney/Representative Kevin J. Mahoney, Esquire Phone Number 410-893-7500

Address 11 South Main Street Bel Air MD 21014  
*Street Number Street City State Zip Code*

Rev. 12/02

## Land Description

Address and Location of Property Osborne Parkway at intersection with Rock Spring Road as described in a deed dated  
December 22, 1998 from Deborah J. Jennings, Personal Representative of the Estate of Rose Ella Osborne to Osborne Parkway, LLC  
and recorded at Liber 2892 Folio 0600. Tax account number 03-333647

Subdivision \_\_\_\_\_ Lot Number \_\_\_\_\_

Acreage/Lot Size 10.50 acres Election District 03 Zoning B2

Tax Map No 40 Grid No. 2D Parcel 428 Water/Sewer: Private \_\_\_\_\_ Public X

List ALL structures on property and current use: None

Estimated time required to present case: Three hours.

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No X

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No X

Is this request within one (1) miles of any incorporated town limits? Yes \_\_\_\_\_ No X

## Request

See attached

## Justification

See attached

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

**ATTACHMENT TO APPLICATION OF FOREST LAKES, LLC**

I. REQUEST.

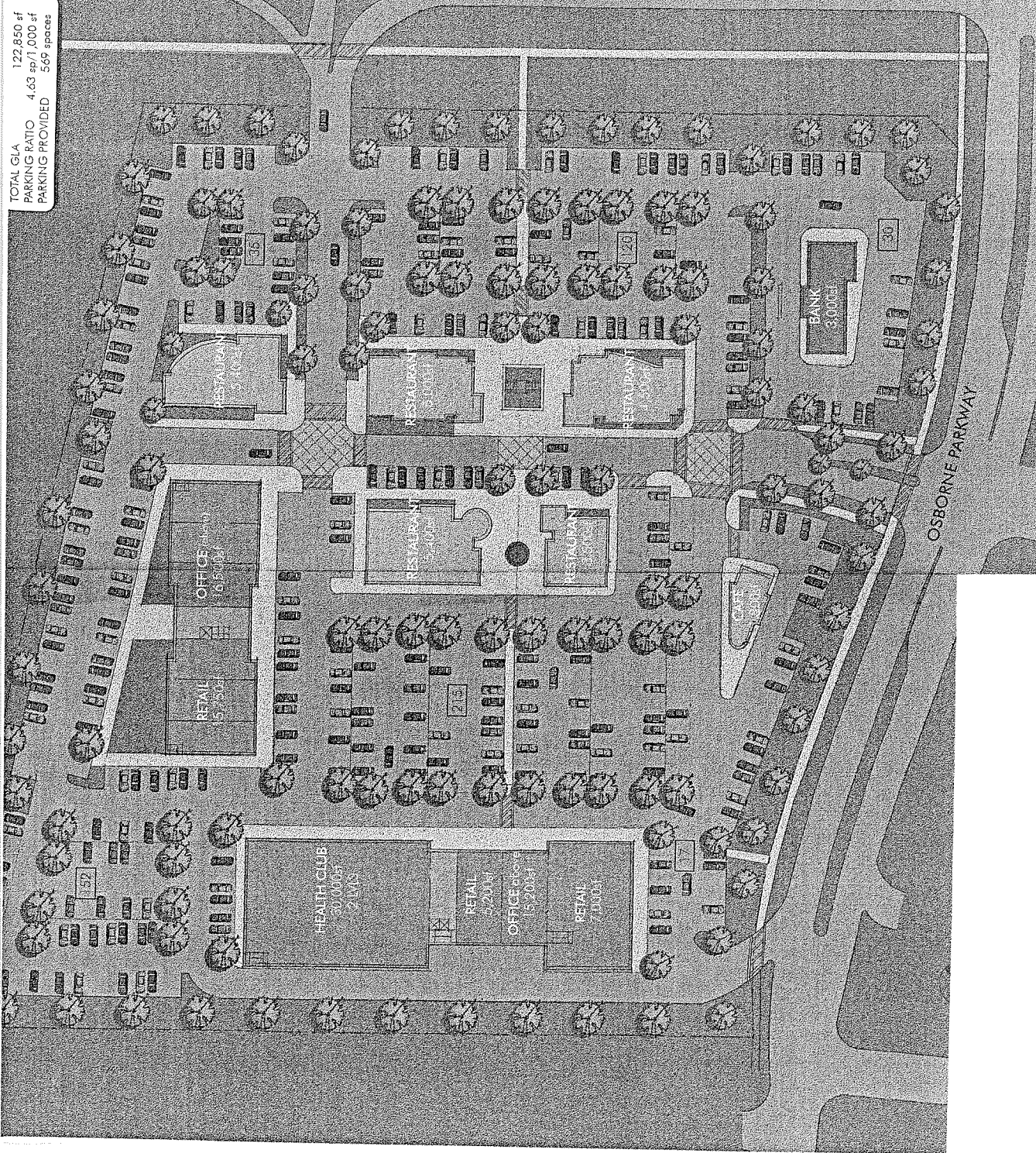
Integrated Community Shopping Center approval pursuant to Section 267-47 of the Harford County Zoning Code.

II. JUSTIFICATION.

Applicant is proposing a 122,850 square foot mixed use development of retail, office and service uses including restaurants. The Proposal meets the specific requirements of the Harford County Zoning Code for an integrated community shopping center and will provide a unified arrangement of building service areas, parking and landscaping. The project will be compatible with the surrounding area and will provide needed shopping, dining and office opportunities for residents of the surrounding communities. Vehicular circulation will be designed to minimize through traffic and traffic conflicts and afford safe pedestrian movement. All loading and service areas will be screened from public view. The project will be attractively landscaped and signed and will meet all setback, road frontage, building coverage, and impervious surface requirements as set forth in the Code.

ROCKSPRING ROAD MD RT. 24

TOTAL GLA 122,850 sf  
PARKING RATIO 4.63 sp/1,000 sf  
PARKING PROVIDED 569 spaces



DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



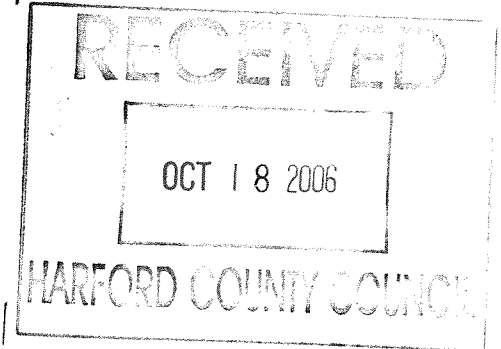
C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

September 29, 2006

### STAFF REPORT



### BOARD OF APPEALS CASE NO. 5556

APPLICANT/OWNER: Osborne Parkway LLC.  
223 North Main Street, Bel Air, Maryland 21014

REPRESENTATIVE: Kevin J. Mahoney, Esquire  
11 South Main Street, Bel Air, Maryland 21014

LOCATION: Northwest quadrant of the intersection of Osborne Parkway and  
Rock Spring Road (Md. Route 24)  
Tax Map: 40 / Grid: 2D / Parcel: 428  
Election District: Third (3)

ACREAGE: 10.50 acres

ZONING: B2/Community Business District.

DATE FILED: July 6, 2006

HEARING DATE: October 25, 2006 & October 30, 2006

### APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

### CODE REQUIREMENTS:

The Applicants are requesting approval for an Integrated Community Shopping Center (ICSC) pursuant to Section 267-47 of the Harford County Code in the B2/Community Business District.

*Preserving Harford's past; promoting Harford's future*

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Section 267-47 of the Harford County Code reads:

*267-47. Integrated community shopping center (ICSC).*

A. *Development standards.*

- (1) *Permitted uses. The uses permitted shall be those permitted in the appropriate district.*
- (2) *Site Design.*
  - (a) *The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.*
  - (b) *The project shall be designed with regard to the topography and other natural features of the parcel.*
  - (c) *Materials, massing the façade design for the project shall be harmonious with the character of the neighborhood.*
  - (d) *Outside storage shall be limited as applicable in the appropriate district.*
- (3) *Vehicular circulation and access.*
  - (a) *The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.*
  - (b) *Safe pedestrian movement shall be considered in the vehicular plan.*
- (4) *Loading and service areas.*
  - (a) *All establishments must have vehicular service access, either from an individual service drive or from a common service yard.*
  - (b) *All such service areas must be segregated from public areas and screened from public view.*
  - (c) *Establishments over ten thousand (10,000) square feet in area must have loading berths at the rate of one (1) berth per twenty thousand (20,000) square feet or part thereof.*
- (5) *Landscaping.*
  - (a) *Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage, shall be landscaped and properly maintained.*
  - (b) *All parking lots, loading area and outdoor storage areas shall be separated with buffer yards of at least twenty-five (25) feet from any adjacent roads and residential districts.*
- (6) *Signage.*
  - (a) *Freestanding identifying signs shall be limited to one (1) sign for each road frontage, one (1) sign for each entrance to the integrated community shopping center and one (1) directory of occupants for each entrance to the integrated community shopping center.*
  - (b) *Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.*

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- (c) *Directional information signs shall be adequately provided and design coordinated.*
  - (d) *The following types of signs shall not be permitted in an integrated community shopping center:*
    - [1] *Billboards.*
    - [2] *any form of sign advertising a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, except that the directory of occupants of the integrated community shopping center is not included in this prohibition.*
    - [3] *Flashing, revolving, rotating or changing-light-intensity or changing color signs.*
- B. *Specific design requirements. An integrated community shopping center (ICSC), as defined in Section 267-4, shall meet the following requirements:*
  - (1) *Minimum road frontage of three hundred (300) feet.*
  - (2) *Maximum building coverage not to exceed:*
    - (a) *District B1: Thirty-five percent (35%).*
    - (b) *District B2: forty percent (40%).*
    - (c) *District B3: forty-five percent (45%).*
  - (3) *Maximum impervious surface not to exceed:*
    - (a) *District B1: eighty percent (80%).*
    - (b) *District B2: eighty-five percent (85%).*
    - (c) *District B3: eighty-five percent (85%).*
  - (4) *No building shall be within forty (40) feet of the public road rights of way or ten (10) feet of parking areas.*
  - (5) *No building shall be less than thirty (30) feet from the parcel boundary nor fifty (50) feet from an adjacent residential district.*

Section 267-91 of the Harford County Code will be discussed in detail later in the report.

**LAND USE and ZONING ANALYSIS:**

**Land Use – Master Plan:**

The Applicant's property is located north of Bel Air on the northwest corner of the intersection of Rock Spring Road (Md. Route 24) and Osborne Parkway. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations in this area of the County are Low, Medium and High Intensities. There is an area of Industrial/Employment to the north. The Natural Features map shows stream systems and Sensitive Species Project Review Areas. The Applicant's property is designated as High Intensity which is defined by the 2004 Master Plan as:

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***High Intensity** - Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses in the area conform to the overall intent of the Master Plan. Residential development includes single-family dwellings, townhouses, garden apartments condominiums and assisted living facilities. Commercial uses include single retail establishments, shopping centers, automotive related uses, restaurants, and personal and professional services. There are also institutional uses such as churches, schools and parks and recreational complexes in the vicinity of this site. The Forest Hill Industrial Park is located north of the subject property. The topography of the area ranges from rolling to steep, especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 6 and 7).

The subject site is square in shape and is approximately 10.5 acres in size. The subject site is bordered by Rock Spring Road on the east side, Osborne Parkway on the south side, the Forest Lakes Elementary School on the west side and a vacant B2 zoned property on the north side. A bank is located on the south side of Osborne Parkway. To the east of the subject site there are professional and personal service uses, a bowling facility and an assisted living facility. Enclosed with the report are site photographs along with an enlargement of the Aerial photograph (Attachments 8 and 9).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning is predominantly R2/Urban Residential with areas of VR/Village Residential and RR/Rural Residential zoning. Commercial zoning in the area includes B2/Community Business, VB/Village Business Districts, CI/Commercial Industrial and GI/General Industrial Districts. The subject property is zoned B2/Community Business District as shown on the enclosed copy of the zoning map (Attachment 10).

### SUMMARY:

The Applicants are requesting approval for an Integrated Community Shopping Center (ICSC) pursuant to Section 267-47 of the Harford County Code in the B2/Community Business District.



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Section 267-47:

*267-47. Integrated community shopping center (ICSC).*

*A. Development standards.*

- (1) Permitted uses. The uses permitted shall be those permitted in the appropriate district.*

The individual uses shall be limited to those uses allowed in the B2 District. The plan proposes a mix of retail, office and service uses.

*(2) Site Design.*

- (a) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.*

The site plan proposes two large buildings that will be situated along the north and west property lines. The site plan also proposes seven smaller buildings. A total of 563 parking spaces are proposed for the shopping center. The parking areas are located on the interior and periphery of the site. All of the proposed uses will have sufficient parking and will be easily accessible from the parking areas.

There are pedestrian sidewalks and crosswalks throughout the shopping center. The perimeter of the project, as well as the parking areas, will be landscaped to provide green areas. These green areas will enhance the visual aspect of the project by breaking up the parking areas. A detailed landscaping and lighting plan will be required to be submitted to the Department of Planning and Zoning for review and approval prior to the issuance of any building permits for this project.

The site plan does not sufficiently address service/loading areas for some of the proposed uses. The Applicant must demonstrate that adequate service/loading areas can be provided for the proposed uses on the site plan submitted for review and approval through the Development Advisory Committee (DAC).

- (b) The project shall be designed with regard to the topography and other natural features of the parcel.*

The subject property was previously graded and is relatively flat to gently sloping. This site sits several feet above the Board of Education Property to the west and the Kolodner Property to the north. The Applicants' shall ensure that the development of this project will not create drainage problems and adversely impact adjacent properties. The site plan does not indicate the method of stormwater management. This shall be addressed in detail on the site plans submitted for review and approval through DAC.

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- (c) *Materials, massing the façade design for the project shall be harmonious with the character of the neighborhood.*

The Applicants' have submitted a rendering of the proposed project which shows that these building will be primarily constructed of brick (Attachment 11). The renderings also show that architectural elements such as awnings, canopies, parapet walls, dormers and gables will be incorporated into the overall design of the buildings. The buildings will also have varying heights and roof lines which will enhance the visual appeal of the shopping center. The materials and color schemes shown on the rendering are consistent with other commercial and institutional uses in the area. The above referenced architectural features will be in harmony with the character of the neighborhood.

- (d) *Outside storage shall be limited as applicable in the appropriate district.*

The location of this shopping center is at the main entrance to the Forest Lakes community and will be highly visible from Osborne Parkway and MD Route 24. The B2 District does not permit outside storage.

- (3) *Vehicular circulation and access.*

The Applicants' site plan proposes two entrances into the shopping center and a service access. The access from MD Route 24 will be a channelized entrance. The State Highway Administration (SHA) will review and approve the entrance design.

The site plan proposes a secondary access on Osborne Parkway which is a County road. It appears that this entrance will be directly across from the access to the existing bank located on the south side of Osborne Parkway. This access will be divided by a landscaped median. The design of this entrance will be reviewed and approved by the Department of Public Works.

It appears that the site plan proposes a "service access" approximately 400-feet west of the main access onto Osborne Parkway. This access will be a "right-in only" entrance and will also be reviewed by the Department of Public Works.

The development of the proposed Village at Forest Lakes ICSC will be subject to the Adequate Public Facilities (APF) provisions of the Harford County Code as they relate to traffic impact. A preliminary Traffic Impact Analysis (TIA) has been submitted to the Department of Planning and Zoning for review (Attachment 12). Copies of the TIA have been circulated to the Department of Public Works and SHA for review and comment. The preliminary TIA determined that three of the studied intersections will be substantially impacted by the traffic generated by the proposed shopping center. These three intersections are MD Route 24 at Osborne Parkway, MD Route 24 at MD Route 23, and MD Route 23 at Grafton Shop Road. The Developer of this project must make improvements to these intersections. All proposed improvements will be reviewed and approved by the Department of Planning and Zoning,

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Department of Public Works, and SHA prior to site plan approval. An updated TIA shall be submitted prior to, or concurrently with the site plan submitted to the County.

- (a) *The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.*

The parking area has been designed in a manner that will provide for good vehicular and pedestrian movement. The consultant has designed crosswalks throughout the parking area which will connect the buildings on the periphery of the site with the pad sites. The site plan proposes to connect the internal walkways with the existing walkways along Osborne Parkway and MD Route 24. The location of the two main entrances and the internal circulation system will minimize through traffic. Traffic conflicts will be minimized through the use of medians, islands, and crosswalks.

- (b) *Safe pedestrian movement shall be considered in the vehicular plan.*

As previously stated, the site plan proposes crosswalks throughout the parking area which will connect the buildings on the periphery of the site with the pad sites. The large sidewalks and crosswalk proposed on the site plan will minimize conflicts between pedestrians and vehicles.

- (4) *Loading and service areas.*

- (a) *All establishments must have vehicular service access, either from an individual service drive or from a common service yard.*

The site plan does not sufficiently address service/loading areas for the proposed uses. The Applicant must demonstrate that adequate service/loading areas can be provided for the proposed uses on the final site plan. Loading/service areas can be accommodated to the rear of the large buildings located on the north and west side of the site. The Department of Planning and Zoning recommends that loading/services areas be provided for the proposed restaurants. Since restaurants receive regular shipments, a loading/service area should be provided that does not obstruct any drive aisles or parking areas.

- (b) *All such service areas must be segregated from public areas and screened from public view.*

The landscaping plan must adequately address screening of all service/loading areas throughout this project. Screening can be accomplished through the use of landscaping and decorative fencing. A detailed landscaping and lighting plan will be required to be submitted to the Department of Planning and Zoning for review and approval prior to the issuance of any building permits for this project.

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- (c) *Establishments over ten thousand (10,000) square feet in area must have loading berths at the rate of one (1) berth per twenty thousand (20,000) square feet or part thereof.*

The plan as proposed indicates that the Health Club will be the only establishment over 10,000 square feet. A loading berth can be provided to the rear of the building.

(5) *Landscaping.*

- (a) *Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage, shall be landscaped and properly maintained.*

The plan presented with the Application provides for landscaping around the perimeter of the site as well as within the parking areas. A detailed landscaping plan will be required that indicates the size and species of trees and plants to be installed. The plan should adequately address buffering along MD Route 24 and Osborne Parkway as well as the adjacent properties, especially the adjacent elementary school. The landscaping and lighting plan will be required to be submitted to the Department of Planning and Zoning for review and approval prior to the issuance of any building permits for this project.

- (b) *All parking lots, loading area and outdoor storage areas shall be separated with buffer yards of at least twenty-five (25) feet from any adjacent roads and residential districts.*

The Applicants are proposing a 25-foot buffer yard along MD Route 24, Osborne Parkway and along the western property line which abuts a residential district. These areas will be delineated in detail on the landscaping plan which will be reviewed and approved prior to the issuance of building permits for this project.

(6) *Signage.*

- (a) *Freestanding identifying signs shall be limited to one (1) sign for each road frontage, one (1) sign for each entrance to the integrated community shopping center and one (1) directory of occupants for each entrance to the integrated community shopping center.*

The Applicants have not presented the Department with any details or renderings of the proposed signs. All proposed signage shall conform to the Sign Code and will require permits from the Department of Planning and Zoning. Signage shall not be placed in the County or SHA road rights-of-way.

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The Department of Planning and Zoning recommends that as condition of approval of this request, the Board limit the maximum height of any freestanding sign to 25-feet and the maximum sign area to 150-square feet. The site is in a highly visible location and the recommended sign height and area will be more aesthetically appealing and compatible with the adjacent residential community and elementary school. The location of all freestanding signs shall be shown on the landscaping plan.

- (b) *Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.*

These signs will be reviewed and approved at the time of tenant occupancy.

- (c) *Directional information signs shall be adequately provided and design coordinated.*

The Applicants' shall show the location of all directional signs on the landscaping plan.

- (d) *The following types of signs shall not be permitted in an integrated community shopping center:*

- [1] *Billboards.*

Billboards are not permitted within the B2/Community Business District and are therefore not applicable to this case.

- [2] *Any form of sign advertising a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, except that the directory of occupants of the integrated community shopping center is not included in this prohibition.*

The Applicants' shall comply with this requirement.

- [3] *Flashing, revolving, rotating or changing-light-intensity or changing color signs.*

The Applicants' shall comply with this requirement.

B. *Specific design requirements. An integrated community shopping center (ICSC), as defined in Section 267-4, shall meet the following requirements:*

- (1) *Minimum road frontage of three hundred (300) feet.*

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The subject property has approximately 650 feet of frontage on Rock Spring Road (MD Route 24) which is designated as a Principal Arterial – Urban Road, and Osborne Parkway which is designated as a Collector – Urban road.

(2) *Maximum building coverage not to exceed:*

(a) *District B1: Thirty-five percent (35%).*

Subject property is zoned B2/Community Business District.

(b) *District B2: forty percent (40%).*

The maximum building coverage at 40% of the site would be 183,230 square feet. As proposed the building coverage is 87,750 square feet which is under the 40% requirement.

(c) *District B3: forty-five percent (45%).*

The subject property is zoned B2/Community Business District.

(3) *Maximum impervious surface not to exceed:*

(a) *District B1: eighty percent (80%).*

The subject property is zoned B2/Community Business District.

(b) *District B2: eighty-five percent (85%).*

The maximum impervious surface for the B2 District is 85%. The maximum impervious coverage at 85% of this site would be 389,360 square feet. As proposed the impervious coverage is 369,284 square feet.

(c) *District B3: eighty-five percent (85%).*

The subject property is zoned B2/Community Business District.

(4) *No building shall be within forty (40) feet of the public road rights of way or ten (10) feet of parking areas.*

Based on the site plan submitted the Applicants comply with this section.

(5) *No building shall be less than thirty (30) feet from the parcel boundary nor fifty (50) feet from an adjacent residential district.*

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The buildings as proposed are greater than 30 feet from a parcel boundary. The Applicants shall be required to maintain the 50 foot setback.

Section 267-91:

(1) *The number of persons living or working in the immediate area.*

The subject property is located within the Development Envelope. The area contains a variety of housing types with uses ranging from Low to High Intensity. In addition to the residential uses, there is considerable commercial activity ranging from individual retail to commercial amusement, business services, personal and professional services, restaurants, automotive related uses, construction services and suppliers, warehousing and distribution, lodges, manufacturing and a industrial airport. The proposed shopping center will offer services to better serve the needs of the growing residential community.

(2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The subject property fronts two roads, Rock Spring Road, which is a State road with a functional classification of Principal Arterial – Urban Road, and Osborne Parkway with a functional classification of Collector – Urban road. The intersection of Osborne Parkway and MD Route 24 is a controlled intersection. The site plan proposes sidewalks along both road frontages and pedestrian walkways and sidewalks within the project.

As previously stated, the development of the proposed Village at Forest Lakes ICSC will be subject to the Adequate Public Facilities (APF) provisions of the Harford County Code as they relate to traffic impact. A preliminary Traffic Impact Analysis (TIA) has been submitted to the Department of Planning and Zoning for review. Copies of the TIA have been submitted to the Department of Public Work and SHA for review and comment. The preliminary TIA determined that three of the studied intersections will be impacted by the traffic generated by the proposed shopping center. These three intersections are MD Route 24 at Osborne Parkway, MD Route 24 at MD Route 23, and MD Route 23 at Grafton Shop Road. The Developer of this project must make improvements to these intersections. All proposed improvements will be reviewed and approved by the Department of Planning and Zoning, Department of Public Works, and SHA prior to site plan approval. An updated TIA shall be submitted prior to, or concurrently with the site plan submitted to the County.

(3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The proposed shopping center should offer services to the growing residential community that will compliment the existing uses and services in the area. The property is zoned B2/Community

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Business District which allows integrated community shopping centers, provided the proposal can meet Code standards and that it can be demonstrated that the subject property is an appropriate location for a shopping center.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed uses are similar to other uses in the area and should not adversely affect the surrounding properties.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The local Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air and Forest Hill Volunteer Fire Departments will provide fire protection and emergency services. Public water and sewer will service the site. The owner/developer or management association will be responsible for choosing a solid waste disposal service.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposed integrated community shopping center is a permitted use in the B2/Community Business District provided the Board of Appeals determines that this is an appropriate location for a shopping Center. Further, conditions can be placed on the approval such as screening, size and height of signage and access that can assure its compatibility with the neighborhood. The proposal is consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal should not adversely impact the churches, schools, assisted living facilities and other uses in the area. There are other commercial establishments with similar uses located in close proximity to the subject property.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal conforms to the intent of the 2004 Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*



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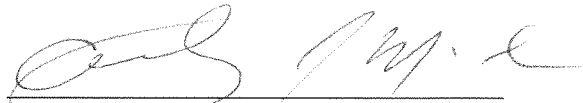
Osborne Parkway LLC

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Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

**DAVID R. CRAIG**  
HARFORD COUNTY EXECUTIVE

**LORRAINE COSTELLO**  
DIRECTOR OF ADMINISTRATION



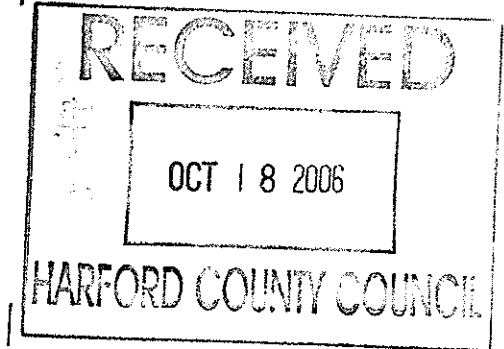
**C. PETE GUTWALD**  
DIRECTOR OF PLANNING & ZONING

## **HARFORD COUNTY GOVERNMENT**

Department of Planning and Zoning

September 29, 2006

### **STAFF REPORT**



### **BOARD OF APPEALS CASE NO. 5556**

**APPLICANT/OWNER:** Osborne Parkway LLC.  
223 North Main Street, Bel Air, Maryland 21014

**REPRESENTATIVE:** Kevin J. Mahoney, Esquire  
11 South Main Street, Bel Air, Maryland 21014

**LOCATION:** Northwest quadrant of the intersection of Osborne Parkway and  
Rock Spring Road (Md. Route 24)  
Tax Map: 40 / Grid: 2D / Parcel: 428  
Election District: Third (3)

**ACREAGE:** 10.50 acres

**ZONING:** B2/Community Business District.

**DATE FILED:** July 6, 2006

**HEARING DATE:** October 25, 2006 & October 30, 2006

### **APPLICANT'S REQUEST and JUSTIFICATION:**

See Attachment 1.

### **CODE REQUIREMENTS:**

The Applicants are requesting approval for an Integrated Community Shopping Center (ICSC) pursuant to Section 267-47 of the Harford County Code in the B2/Community Business District.

*Preserving Harford's past; promoting Harford's future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

Section 267-47 of the Harford County Code reads:

*267-47. Integrated community shopping center (ICSC).*

*A. Development standards.*

- (1) Permitted uses. The uses permitted shall be those permitted in the appropriate district.*
- (2) Site Design.*
  - (a) The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.*
  - (b) The project shall be designed with regard to the topography and other natural features of the parcel.*
  - (c) Materials, massing the façade design for the project shall be harmonious with the character of the neighborhood.*
  - (d) Outside storage shall be limited as applicable in the appropriate district.*
- (3) Vehicular circulation and access.*
  - (a) The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.*
  - (b) Safe pedestrian movement shall be considered in the vehicular plan.*
- (4) Loading and service areas.*
  - (a) All establishments must have vehicular service access, either from an individual service drive or from a common service yard.*
  - (b) All such service areas must be segregated from public areas and screened from public view.*
  - (c) Establishments over ten thousand (10,000) square feet in area must have loading berths at the rate of one (1) berth per twenty thousand (20,000) square feet or part thereof.*
- (5) Landscaping.*
  - (a) Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage, shall be landscaped and properly maintained.*
  - (b) All parking lots, loading area and outdoor storage areas shall be separated with buffer yards of at least twenty-five (25) feet from any adjacent roads and residential districts.*
- (6) Signage.*
  - (a) Freestanding identifying signs shall be limited to one (1) sign for each road frontage, one (1) sign for each entrance to the integrated community shopping center and one (1) directory of occupants for each entrance to the integrated community shopping center.*
  - (b) Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.*

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- (c) *Directional information signs shall be adequately provided and design coordinated.*
  - (d) *The following types of signs shall not be permitted in an integrated community shopping center:*
    - [1] *Billboards.*
    - [2] *any form of sign advertising a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, except that the directory of occupants of the integrated community shopping center is not included in this prohibition.*
    - [3] *Flashing, revolving, rotating or changing-light-intensity or changing color signs.*
- B. *Specific design requirements. An integrated community shopping center (ICSC), as defined in Section 267-4, shall meet the following requirements:*
- (1) *Minimum road frontage of three hundred (300) feet.*
  - (2) *Maximum building coverage not to exceed:*
    - (a) *District B1: Thirty-five percent (35%).*
    - (b) *District B2: forty percent (40%).*
    - (c) *District B3: forty-five percent (45%).*
  - (3) *Maximum impervious surface not to exceed:*
    - (a) *District B1: eighty percent (80%).*
    - (b) *District B2: eighty-five percent (85%).*
    - (c) *District B3: eighty-five percent (85%).*
  - (4) *No building shall be within forty (40) feet of the public road rights of way or ten (10) feet of parking areas.*
  - (5) *No building shall be less than thirty (30) feet from the parcel boundary nor fifty (50) feet from an adjacent residential district.*

Section 267-91 of the Harford County Code will be discussed in detail later in the report.

**LAND USE and ZONING ANALYSIS:**

**Land Use – Master Plan:**

The Applicant's property is located north of Bel Air on the northwest corner of the intersection of Rock Spring Road (Md. Route 24) and Osborne Parkway. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations in this area of the County are Low, Medium and High Intensities. There is an area of Industrial/Employment to the north. The Natural Features map shows stream systems and Sensitive Species Project Review Areas. The Applicant's property is designated as High Intensity which is defined by the 2004 Master Plan as:

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*High Intensity - Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses in the area conform to the overall intent of the Master Plan. Residential development includes single-family dwellings, townhouses, garden apartments condominiums and assisted living facilities. Commercial uses include single retail establishments, shopping centers, automotive related uses, restaurants, and personal and professional services. There are also institutional uses such as churches, schools and parks and recreational complexes in the vicinity of this site. The Forest Hill Industrial Park is located north of the subject property. The topography of the area ranges from rolling to steep, especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 6 and 7).

The subject site is square in shape and is approximately 10.5 acres in size. The subject site is bordered by Rock Spring Road on the east side, Osborne Parkway on the south side, the Forest Lakes Elementary School on the west side and a vacant B2 zoned property on the north side. A bank is located on the south side of Osborne Parkway. To the east of the subject site there are professional and personal service uses, a bowling facility and an assisted living facility. Enclosed with the report are site photographs along with an enlargement of the Aerial photograph (Attachments 8 and 9).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning is predominantly R2/Urban Residential with areas of VR/Village Residential and RR/Rural Residential zoning. Commercial zoning in the area includes B2/Community Business, VB/Village Business Districts, CI/Commercial Industrial and GI/General Industrial Districts. The subject property is zoned B2/Community Business District as shown on the enclosed copy of the zoning map (Attachment 10).

### SUMMARY:

The Applicants are requesting approval for an Integrated Community Shopping Center (ICSC) pursuant to Section 267-47 of the Harford County Code in the B2/Community Business District.

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Section 267-47:

*267-47. Integrated community shopping center (ICSC).*

*A. Development standards.*

- (1) *Permitted uses. The uses permitted shall be those permitted in the appropriate district.*

The individual uses shall be limited to those uses allowed in the B2 District. The plan proposes a mix of retail, office and service uses.

- (2) *Site Design.*

- (a) *The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.*

The site plan proposes two large buildings that will be situated along the north and west property lines. The site plan also proposes seven smaller buildings. A total of 563 parking spaces are proposed for the shopping center. The parking areas are located on the interior and periphery of the site. All of the proposed uses will have sufficient parking and will be easily accessible from the parking areas.

There are pedestrian sidewalks and crosswalks throughout the shopping center. The perimeter of the project, as well as the parking areas, will be landscaped to provide green areas. These green areas will enhance the visual aspect of the project by breaking up the parking areas. A detailed landscaping and lighting plan will be required to be submitted to the Department of Planning and Zoning for review and approval prior to the issuance of any building permits for this project.

The site plan does not sufficiently address service/loading areas for some of the proposed uses. The Applicant must demonstrate that adequate service/loading areas can be provided for the proposed uses on the site plan submitted for review and approval through the Development Advisory Committee (DAC).

- (b) *The project shall be designed with regard to the topography and other natural features of the parcel.*

The subject property was previously graded and is relatively flat to gently sloping. This site sits several feet above the Board of Education Property to the west and the Kolodner Property to the north. The Applicants' shall ensure that the development of this project will not create drainage problems and adversely impact adjacent properties. The site plan does not indicate the method of stormwater management. This shall be addressed in detail on the site plans submitted for review and approval through DAC.

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- (c) *Materials, massing the façade design for the project shall be harmonious with the character of the neighborhood.*

The Applicants' have submitted a rendering of the proposed project which shows that these building will be primarily constructed of brick (Attachment 11). The renderings also show that architectural elements such as awnings, canopies, parapet walls, dormers and gables will be incorporated into the overall design of the buildings. The buildings will also have varying heights and roof lines which will enhance the visual appeal of the shopping center. The materials and color schemes shown on the rendering are consistent with other commercial and institutional uses in the area. The above referenced architectural features will be in harmony with the character of the neighborhood.

- (d) *Outside storage shall be limited as applicable in the appropriate district.*

The location of this shopping center is at the main entrance to the Forest Lakes community and will be highly visible from Osborne Parkway and MD Route 24. The B2 District does not permit outside storage.

- (3) *Vehicular circulation and access.*

The Applicants' site plan proposes two entrances into the shopping center and a service access. The access from MD Route 24 will be a channelized entrance. The State Highway Administration (SHA) will review and approve the entrance design.

The site plan proposes a secondary access on Osborne Parkway which is a County road. It appears that this entrance will be directly across from the access to the existing bank located on the south side of Osborne Parkway. This access will be divided by a landscaped median. The design of this entrance will be reviewed and approved by the Department of Public Works.

It appears that the site plan proposes a "service access" approximately 400-feet west of the main access onto Osborne Parkway. This access will be a "right-in only" entrance and will also be reviewed by the Department of Public Works.

The development of the proposed Village at Forest Lakes ICSC will be subject to the Adequate Public Facilities (APF) provisions of the Harford County Code as they relate to traffic impact. A preliminary Traffic Impact Analysis (TIA) has been submitted to the Department of Planning and Zoning for review (Attachment 12). Copies of the TIA have been circulated to the Department of Public Works and SHA for review and comment. The preliminary TIA determined that three of the studied intersections will be substantially impacted by the traffic generated by the proposed shopping center. These three intersections are MD Route 24 at Osborne Parkway, MD Route 24 at MD Route 23, and MD Route 23 at Grafton Shop Road. The Developer of this project must make improvements to these intersections. All proposed improvements will be reviewed and approved by the Department of Planning and Zoning,

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Department of Public Works, and SHA prior to site plan approval. An updated TIA shall be submitted prior to, or concurrently with the site plan submitted to the County.

- (a) *The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.*

The parking area has been designed in a manner that will provide for good vehicular and pedestrian movement. The consultant has designed crosswalks throughout the parking area which will connect the buildings on the periphery of the site with the pad sites. The site plan proposes to connect the internal walkways with the existing walkways along Osborne Parkway and MD Route 24. The location of the two main entrances and the internal circulation system will minimize through traffic. Traffic conflicts will be minimized through the use of medians, islands, and crosswalks.

- (b) *Safe pedestrian movement shall be considered in the vehicular plan.*

As previously stated, the site plan proposes crosswalks throughout the parking area which will connect the buildings on the periphery of the site with the pad sites. The large sidewalks and crosswalk proposed on the site plan will minimize conflicts between pedestrians and vehicles.

- (4) *Loading and service areas.*

- (a) *All establishments must have vehicular service access, either from an individual service drive or from a common service yard.*

The site plan does not sufficiently address service/loading areas for the proposed uses. The Applicant must demonstrate that adequate service/loading areas can be provided for the proposed uses on the final site plan. Loading/service areas can be accommodated to the rear of the large buildings located on the north and west side of the site. The Department of Planning and Zoning recommends that loading/services areas be provided for the proposed restaurants. Since restaurants receive regular shipments, a loading/service area should be provided that does not obstruct any drive aisles or parking areas.

- (b) *All such service areas must be segregated from public areas and screened from public view.*

The landscaping plan must adequately address screening of all service/loading areas throughout this project. Screening can be accomplished through the use of landscaping and decorative fencing. A detailed landscaping and lighting plan will be required to be submitted to the Department of Planning and Zoning for review and approval prior to the issuance of any building permits for this project.



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- (c) *Establishments over ten thousand (10,000) square feet in area must have loading berths at the rate of one (1) berth per twenty thousand (20,000) square feet or part thereof.*

The plan as proposed indicates that the Health Club will be the only establishment over 10,000 square feet. A loading berth can be provided to the rear of the building.

(5) *Landscaping.*

- (a) *Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage, shall be landscaped and properly maintained.*

The plan presented with the Application provides for landscaping around the perimeter of the site as well as within the parking areas. A detailed landscaping plan will be required that indicates the size and species of trees and plants to be installed. The plan should adequately address buffering along MD Route 24 and Osborne Parkway as well as the adjacent properties, especially the adjacent elementary school. The landscaping and lighting plan will be required to be submitted to the Department of Planning and Zoning for review and approval prior to the issuance of any building permits for this project.

- (b) *All parking lots, loading area and outdoor storage areas shall be separated with buffer yards of at least twenty-five (25) feet from any adjacent roads and residential districts.*

The Applicants are proposing a 25-foot buffer yard along MD Route 24, Osborne Parkway and along the western property line which abuts a residential district. These areas will be delineated in detail on the landscaping plan which will be reviewed and approved prior to the issuance of building permits for this project.

(6) *Signage.*

- (a) *Freestanding identifying signs shall be limited to one (1) sign for each road frontage, one (1) sign for each entrance to the integrated community shopping center and one (1) directory of occupants for each entrance to the integrated community shopping center.*

The Applicants have not presented the Department with any details or renderings of the proposed signs. All proposed signage shall conform to the Sign Code and will require permits from the Department of Planning and Zoning. Signage shall not be placed in the County or SHA road rights-of-way.

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The Department of Planning and Zoning recommends that as condition of approval of this request, the Board limit the maximum height of any freestanding sign to 25-feet and the maximum sign area to 150-square feet. The site is in a highly visible location and the recommended sign height and area will be more aesthetically appealing and compatible with the adjacent residential community and elementary school. The location of all freestanding signs shall be shown on the landscaping plan.

- (b) *Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto.*

These signs will be reviewed and approved at the time of tenant occupancy.

- (c) *Directional information signs shall be adequately provided and design coordinated.*

The Applicants' shall show the location of all directional signs on the landscaping plan.

- (d) *The following types of signs shall not be permitted in an integrated community shopping center:*

- [1] *Billboards.*

Billboards are not permitted within the B2/Community Business District and are therefore not applicable to this case.

- [2] *Any form of sign advertising a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, except that the directory of occupants of the integrated community shopping center is not included in this prohibition.*

The Applicants' shall comply with this requirement.

- [3] *Flashing, revolving, rotating or changing-light-intensity or changing color signs.*

The Applicants' shall comply with this requirement.

B. *Specific design requirements. An integrated community shopping center (ICSC), as defined in Section 267-4, shall meet the following requirements:*

- (1) *Minimum road frontage of three hundred (300) feet.*

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The subject property has approximately 650 feet of frontage on Rock Spring Road (MD Route 24) which is designated as a Principal Arterial – Urban Road, and Osborne Parkway which is designated as a Collector – Urban road.

(2) *Maximum building coverage not to exceed:*

(a) *District B1: Thirty-five percent (35%).*

Subject property is zoned B2/Community Business District.

(b) *District B2: forty percent (40%).*

The maximum building coverage at 40% of the site would be 183,230 square feet. As proposed the building coverage is 87,750 square feet which is under the 40% requirement.

(c) *District B3: forty-five percent (45%).*

The subject property is zoned B2/Community Business District.

(3) *Maximum impervious surface not to exceed:*

(a) *District B1: eighty percent (80%).*

The subject property is zoned B2/Community Business District.

(b) *District B2: eighty-five percent (85%).*

The maximum impervious surface for the B2 District is 85%. The maximum impervious coverage at 85% of this site would be 389,360 square feet. As proposed the impervious coverage is 369,284 square feet.

(c) *District B3: eighty-five percent (85%).*

The subject property is zoned B2/Community Business District.

(4) *No building shall be within forty (40) feet of the public road rights of way or ten (10) feet of parking areas.*

Based on the site plan submitted the Applicants comply with this section.

(5) *No building shall be less than thirty (30) feet from the parcel boundary nor fifty (50) feet from an adjacent residential district.*

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The buildings as proposed are greater than 30 feet from a parcel boundary. The Applicants shall be required to maintain the 50 foot setback.

### Section 267-91:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located within the Development Envelope. The area contains a variety of housing types with uses ranging from Low to High Intensity. In addition to the residential uses, there is considerable commercial activity ranging from individual retail to commercial amusement, business services, personal and professional services, restaurants, automotive related uses, construction services and suppliers, warehousing and distribution, lodges, manufacturing and a industrial airpark. The proposed shopping center will offer services to better serve the needs of the growing residential community.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The subject property fronts two roads, Rock Spring Road, which is a State road with a functional classification of Principal Arterial – Urban Road, and Osborne Parkway with a functional classification of Collector – Urban road. The intersection of Osborne Parkway and MD Route 24 is a controlled intersection. The site plan proposes sidewalks along both road frontages and pedestrian walkways and sidewalks within the project.

As previously stated, the development of the proposed Village at Forest Lakes ICSC will be subject to the Adequate Public Facilities (APF) provisions of the Harford County Code as they relate to traffic impact. A preliminary Traffic Impact Analysis (TIA) has been submitted to the Department of Planning and Zoning for review. Copies of the TIA have been submitted to the Department of Public Work and SHA for review and comment. The preliminary TIA determined that three of the studied intersections will be impacted by the traffic generated by the proposed shopping center. These three intersections are MD Route 24 at Osborne Parkway, MD Route 24 at MD Route 23, and MD Route 23 at Grafton Shop Road. The Developer of this project must make improvements to these intersections. All proposed improvements will be reviewed and approved by the Department of Planning and Zoning, Department of Public Works, and SHA prior to site plan approval. An updated TIA shall be submitted prior to, or concurrently with the site plan submitted to the County.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The proposed shopping center should offer services to the growing residential community that will compliment the existing uses and services in the area. The property is zoned B2/Community

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Business District which allows integrated community shopping centers, provided the proposal can meet Code standards and that it can be demonstrated that the subject property is an appropriate location for a shopping center.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed uses are similar to other uses in the area and should not adversely affect the surrounding properties.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The local Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air and Forest Hill Volunteer Fire Departments will provide fire protection and emergency services. Public water and sewer will service the site. The owner/developer or management association will be responsible for choosing a solid waste disposal service.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposed integrated community shopping center is a permitted use in the B2/Community Business District provided the Board of Appeals determines that this is an appropriate location for a shopping Center. Further, conditions can be placed on the approval such as screening, size and height of signage and access that can assure its compatibility with the neighborhood. The proposal is consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal should not adversely impact the churches, schools, assisted living facilities and other uses in the area. There are other commercial establishments with similar uses located in close proximity to the subject property.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal conforms to the intent of the 2004 Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

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There are no sensitive natural features on this site. The installation of sidewalks along the road frontages as well as within the shopping center will create a "walkable neighborhood" for the surrounding residential communities.

(10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall submit a detailed site plan to the Department of Planning and Zoning for review and approval through the Development Advisory Committee.
2. The site plan for the shopping center shall be in general compliance with the site plan approved by the Board of Appeals. Minor changes to the site plan may be approved by the Department of Planning and Zoning.
3. The architecture of the buildings shall be in general compliance with the renderings presented to the Board of Appeals. The material used on the rear of the buildings shall be consistent with those used for the front and sides. The Department of Planning and Zoning shall approve the final architectural renderings for the project.
4. The Applicants shall obtain all necessary Federal, State and County permits and inspections prior to and during the construction of the project.
5. The Applicants shall submit a detailed landscaping plan to the Department of Planning and Zoning for review and approval. The plan must address buffering of the adjacent school and screening along MD Route 24 and Osborne Parkway. The landscaping plan shall include all proposed lighting.
6. Freestanding signs shall be limited to one per road frontage and shall contain the name of the center and a directory of the stores. The sign area for each freestanding sign shall not exceed 150 square feet and the sign shall not exceed 25 feet in overall height.
7. All dumpsters shall be enclosed within the buildings.

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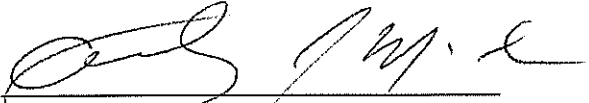
Osborne Parkway LLC

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Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning